

REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 24 June 1998
Name of applicant/court: News Media Ltd
Applicant to the Labelling Body: Not Applicable
Title of Publication: New Truth & TV Extra, 4 November 1994
Other Known Titles: Not Stated
Director: Not Applicable
Producer: Not Applicable
Publisher: News Media Ltd
Author: Not Applicable
Format: Newspaper
Country of Origin: New Zealand
Language: English

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Components of film originally examined:

Feature:	Not Applicable	Running time:
Trailers:		Running time:
		Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

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Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on Not Applicable

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SUMMARY OF THE REASONS FOR DECISION:

The 4 November 1994 edition of *New Truth and TV Extra* contained 18 advertisements of concern to the Board. These advertisements advertised the exploitation of young persons for sexual purposes and the use of urine and excrement in association with sexual conduct. The editor and publisher of this edition of *New Truth and TV Extra* had the power to accept or reject these advertisements. They chose to accept and publish them. In so doing, the Board found that the publication promotes, supports or tends to promote or support the exploitation of young persons for sexual purposes and the use of urine and excrement in association with sexual conduct. Section 3(2)(a) and (d) require that any such publication “shall be deemed to be objectionable”. The Board consequently classified this edition of *New Truth and TV Extra* as “objectionable”.

The Board found that the correct interpretation of s.3 meant that s.3 could not be interpreted in a manner consistent with the freedom of expression contained in the Bill of Rights Act. The correct interpretation was that Parliament intended s.3(1) to be the umbrella definition of “objectionable”. Out of this definition is carved the automatic ban provision, s.3(2). Section 3(2) declares that publications shall be deemed to be objectionable if they promote, support or tend to promote or support the activities listed therein; no regard is to be had to the criteria in subsections 3(1), 3(3) and 3(4). It is only when a publication does not fall into subsection 3(2) that the censors can move on to consider subsections 3(3) and 3(4).

OFLC Ref: 9800799